IN THE HIGH COURT OF JUDICATURE AT PATNA
CWJC No.2564 of 1991

JAGDISH BHAGAT, son of late Sri Ayodhya Bhagar, resident of village – Simarbani, P.O. Simarbani, P.S. Bhargama, District – Araria.

---------- Petitioner.

Versus

1. The State of Bihar.
2. Member, Board of Revenue.
3. Additional Collector, Purnea
4. D.C.L.R. Araria
5. Govind Mandal son of Dudhanand Mandal, resident of village – Simarbani, P.O. Simarbani, P.S. Bhargama, District – Araria
6. Sumitra Devi W/o – Ram Narain Mandal, Resident of village – Pachira, P.S. Raniganj, District – Purnea.

---------- Respondents.

WITH
CWJC No.2565 of 1991

BODH NARAIN BHAGAT, son of late Sri Ayodhya Bhagat, resident of village – Simarbani, P.O. Simarbani, P.S. Bhargama, District – Araria.

---------- Petitioner.

Versus

1. The State of Bihar.
2. Member, Board of Revenue.
3. Additional Collector, Purnea
4. D.C.L.R. Araria
5. (i) Mostt. Kunti Devi, widown of Late Naresh Prasad Mandal.
   (ii) Shri Gopal Mandal
   (iii) Shri Ranjit Mandal
   (iv) Shri Sanjit Mandal
   Three sons of late Naresh Prasad Mandal (Respondent no. 5), resident of village – Simarbani, P.O. Simarbani, P.S. Bhargama, District – Araria.
6. Sumitra Devi W/o – Ram Narain Mandal, Resident of village – Pachira, P.S. Raniganj, District – Purnea

---------- Respondents.

WITH
CWJC No.2566 of 1991

SRI BODH NARAIN BHAGAT, son of late Sri Ayodhya Bhagat, resident of village – Simarbani, P.O. Simarbani, P.S. Bhargama, District – Araria

---------- Petitioner

Versus

1. The State of Bihar.
2. Member, Board of Revenue.
3. Additional Collector, Purnea
4. D.C.L.R. Araria
5. (i) Mostt. Kunti Devi, widown of Late Naresh Prasad Mandal.
   (ii) Shri Gopal Mandal
   (iii) Shri Ranjit Mandal
   (iv) Shri Sanjit Mandal
   Three sons of late Naresh Prasad Mandal (Respondent no. 5), resident of village – Simarbani, P.O. Simarbani, P.S. Bhargama, District – Araria.
6. Sumitra Devi W/o – Ram Narain Mandal, Resident of village – Pachira, P.S. Raniganj, District – Purnea

---------- Respondents.

WEB COPY NOT OFFICIAL

---

5 19.12.2008 Heard learned counsel for the parties.

All the three writ applications challenged Annexure 1 & 2, which are the orders passed by the Member, Board of Revenue in a preemption case and the order passed by the D.C.L.R. respectively. The claim of these petitioners was negated at the level of D.C.L.R. Though no doubt the Additional Collector held in their favour, but, then on revision vide order contained in Annexure – 1, the Member, Board of Revenue, has set aside the order passed by the Additional Collector and affirmed the order passed by the D.C.L.R.

In the opinion of the Court, the order passed by the Member, Board of Revenue, is in conformity with the law. Right through the litigation, the claim of the petitioners have been based on a so-called oral sale effected sometime in the year 1978, but the revisional court has rightly held that in absence of any registered document, in view of the decision rendered in the case of ***Basudeo Rai & Others Versus Altan Rai and Others reported in 1984 PLJR 349*** the claim of oral sale cannot be accepted.

The writ applications has no merit, it is dismissed accordingly.

Rajeev/

(Ajay Kumar Tripathi, J.)

WEB COPY NOT OFFICIAL